

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 1478 - HB 1890**

March 16, 2009

**SUMMARY OF BILL:** Requires an offender who is convicted of aggravated robbery, theft of property or services with a value greater than \$60,000, and especially aggravated burglary to serve at least 50 percent of the sentence imposed before being eligible for probation or any other community supervision program.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$330,900/Incarceration\***

Assumptions:

- Under current law, standard Class B felonies carry a sentence ranging from eight to 12 years and offenders are eligible for release after serving 30 percent of their sentences. During FY07-08, the Board of Probation and Parole admitted 35 offenders to probation for these offenses. The Board does not expect a significant increase in officer caseloads as a result of this bill.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2009 is \$59.80.
- According to DOC, the average length of sentence for an offender convicted of aggravated robbery is 9.19 years and the average post-conviction time served is 5.99 years. No additional incarceration costs for aggravated robbery offenses as these offenders are already serving at least 50 percent (4.59) of their sentences.
- According to DOC, there has been an average of 18 admissions for theft of property or services with a value greater than \$60,000 offenses in each of the past 10 years. According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in two additional offenders. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 20 offenders serving additional time on their sentences.
- The average length of sentence for an offender convicted of theft of property or services with a value greater than \$60,000 is 8.78 years and the average post-conviction time served is 3.97 years. Fifty percent of

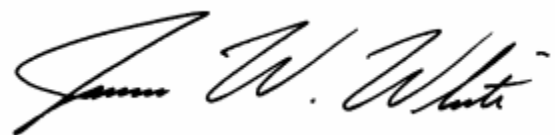
the average sentence length is 4.39 years ( $8.78 \times 50\%$ ). These offenders would serve an additional 0.42 years (an increase from 3.97 years to 4.39 years) as a result of this bill. The cost per offender at 4.39 years is \$95,885.71 ( $\$59.80 \times 1,603.44$  days). The cost per offender at 3.97 years is \$86,712.39 ( $\$59.80 \times 1,450.04$  days). The additional cost of increasing the average sentence length from 3.97 years to 4.39 years is \$9,173.32 ( $\$95,885.71 - \$86,712.39$ ). The total additional operating cost for 20 offenders is \$183,466.40 ( $\$9,173.32 \times 20$ ).

- According to DOC, there has been an average of eight admissions for especially aggravated burglary offenses in each of the past 10 years. Population growth will result in one additional offender. The maximum cost in the tenth year is based on nine offenders serving additional time on their sentences as a result of this bill.
- The average length of sentence for an offender convicted of especially aggravated burglary is 10.09 years and the average post-conviction time served is 4.3 years. These offenders would serve an additional 0.75 years (an increase from 4.3 years to 5.05 years) as a result of this bill. The cost per offender at 4.3 years is \$93,920.08 ( $\$59.80 \times 1,570.57$  days). The cost per offender at 5.05 years is \$110,301.69 ( $\$59.80 \times 1,844.51$  days). The additional cost of increase the average sentence length from 4.3 years to 5.05 years is \$16,381.61 ( $\$110,301.69 - \$93,920.08$ ). The total additional operating cost for nine offenders is \$147,434.49 ( $\$16,381.61 \times 9$ ).
- No recidivism discount has been applied since the length of the additional sentence is not sufficient for any re-offenders to serve additional time in the prison system under current law within the time added by this bill.
- Any impact to the state trial courts can be accommodated within existing resources.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc